

# United States District Court

for the  
Western District of New York

United States of America

v.

Case No. 20-MJ-0682

JAVON HARDY,

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about May 30, 2020, in the County of Monroe, in the Western District of New York, **JAVON HARDY**, did knowingly and unlawfully commit arson, in violation of Title 18, United States Code, Sections 844(i) and 2 (arson).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on:

Date: July 8, 2020

City and State: Rochester, New York

  
*Complainant's signature*

ATF SPECIAL AGENT STACEY L. HULL  
*Printed name and title*

  
*Judge's signature*

HONORABLE MARK W. PEDERSEN  
UNITED STATES MAGISTRATE JUDGE  
*Printed name and title*

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

20-MJ-0682

JAVON HARDY,

Defendant.

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State of New York     )  
County of Monroe    ) ss:  
City of Rochester    )

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

**STACEY L. HULL**, being duly sworn, deposes and says:

1. I am a Senior Special Agent (“SA”) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, & Explosives (“ATF”), and I am assigned to the Rochester, New York Field Office. Accordingly, I am the kind of Special Agent delineated in Title 18, United States Code, Section 3051.

2. I am a graduate of the Criminal Investigator School and the ATF National Academy, both located at the Federal Law Enforcement Training Center in Glynco, Georgia. I have been employed as an ATF Special Agent for approximately four years. As part of my professional experience, I have participated in state and federal investigations involving the illegal possession of firearms, narcotics, and violations of federal laws to include Titles 18 and 26, United States Code and am familiar with various federal arson laws. Previously, I was

employed by the Town of Gates Police Department in Rochester, New York for approximately six years. I earned a Master of Arts Degree in Forensic Psychology from the Chicago School of Professional Psychology in 2014. I also received a Bachelor's Degree in both Psychology and Criminal Justice from Roberts Wesleyan College in 2009. I have participated in the service of state search and seizure warrants and have seized or assisted in seizing contraband including firearms, ammunition, documentary evidence, and contraband.

### **PURPOSE OF AFFIDAVIT**

3. This affidavit is submitted in support of a criminal complaint which alleges there is probable cause to believe that on or May 30, 2020, in the City of Rochester, County of Monroe, Western Judicial District of New York, the defendant, JAVON HARDY (hereinafter HARDY), did violate Title 18, United States Code, 844(i) and 2 (arson).

4. The assertions made herein are based upon my personal knowledge and upon information that I have received from this investigation, including to but not limited to the review of police reports and discussions with other law enforcement agents and officers, all of which are true and correct to the best of my knowledge and belief. Since this affidavit is being submitted for a limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth only those facts that relate to the issue of whether probable cause exists to believe that the defendant committed the above-mentioned offenses. In support thereof, I respectfully state the following:

### **PROBABLE CAUSE**

5. On May 30, 2020, protests were scheduled at the Public Safety Building (PSB), 185 Exchange Boulevard, City of Rochester, Western Judicial District of New York, in response to the death of George Floyd in Minneapolis, Minnesota. During the evening, the protests turned violent resulting in damaged property, looting, and fires.

6. At the time of the protests, a 32 foot by 8 foot mobile office made by the Penn Lyon Homes Company with serial #MDS-291649 (hereinafter MOBILE OFFICE) was set on fire. The MOBILE OFFICE was located in the parking lot at the corner of Court Street and Exchange Boulevard, City of Rochester, Western Judicial District of New York. Michels Corporation, 1775 East Shady Lane, Neenah, Wisconsin, had rented the MOBILE OFFICE from ModSpace, 145 Canada Drive, East Syracuse, New York, for a construction project. The MOBILE OFFICE contained work equipment, tools, a printer, camera, and wi-fi device, among other items.

7. Facebook Live video footage posted by an individual with the initials W.G. shows a male in a black hoody with a blue bandana on his face carrying a milk jug at the back door of the trailer. See the photograph below. The male was later identified as HARDY. At approximately 1 hour 40 minutes and 50 seconds into the Live video, HARDY walks down the trailer steps and yells “Let that bitch burn” and “If it’s not on fire, I didn’t do my job.” The video then shows a fire burning inside the MOBILE OFFICE. Blue light camera footage shows the events from a distance occurring at approximately 6:28:00 p.m. About three to

four minutes later, the MOBILE OFFICE began to smoke and by approximately 6:36:30 p.m. flames are visible.



8. A photograph of HARDY was distributed in an attempt to identify him. Investigators developed HARDY as a suspect based upon a Crime Stopper tip. Upon researching HARDY, investigators learned that he posted an approximately 36 minute live video on Facebook admitting to being at the riots. During his live video he also held up a blue bandana that he was wearing during the incident. See the photograph below. The bandana appeared to be the same bandana as the one depicted in the photograph above.



9. HARDY was arrested the evening of July 2, 2020. At approximately 10:58 p.m., RPD Investigator Nicholas Mazzola and Investigator Matthew Klein met with HARDY in an interview room. HARDY was advised of his Miranda rights and indicated he understood them. He also agreed to waive his rights and speak with investigators. During the recorded interview, HARDY admitted to being at the riots on May 30, 2020. Initially he said he was trying to get people to stop setting property on fire. However, after the investigators showed HARDY video footage from the incident, he admitted to setting items inside the trailer on fire but said he thought the fire went out. At approximately 11:54 p.m., HARDY asked Investigator Mazzola, “this is not on the record, right?” and admitted that he went back to the trailer to re-set the fire. He further admitted that he knew what he was doing was wrong.

10. The MOBILE OFFICE was completely burned. After direct examinations and review of video/photographic evidence, fire investigators concluded the damage to the MOBILE OFFICE was an incendiary, intentionally set fire, set by human hands. The below photograph depicts the damage to the MOBILE OFFICE.




11. Based on information provided to me, the MOBILE OFFICE is the property of the ModSpace, 145 Canada Drive, East Syracuse, New York. ModSpace is a subsidiary of Willscott Corporation and has offices in the United States and Canada. Michels Corporation, a company head quartered in Wisconsin, had rented the MOBILE OFFICE to conduct business in Rochester, New York. Therefore, both companies conduct business in and affecting interstate commerce.


### **CONCLUSION**

12. Based upon the above information, I submit that there is probable cause to believe that on May 30, 2020, in the City of Rochester, County of Monroe, Western Judicial

District of New York, the defendant, JAVON HARDY did commit a violation of Title 18,  
United States Code, 844(i) and 2 (arson).

  
STACEY L. HULL  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms,  
and Explosives

Affidavit and Criminal Complaint submitted  
electronically by email in .pdf format. Oath  
administered, and contents and signature, attested  
to me as true and accurate telephonically pursuant to  
Fed.R.Crim.P. 4.1 and 4(d) on this 8 day of July 2020.

  
HON. MARK W. PEDERSEN  
United States Magistrate Court Judge